



APPROVED MINUTES 3-18-04
SCOTTSDALE DEVELOPMENT REVIEW BOARD
KIVA - CITY HALL
3939 N. DRINKWATER BOULEVARD
MARCH 4, 2004
MINUTES

PRESENT: David Ortega, Council Member
E.L. Cortez, Vice Chairman
James Heitel, Planning Commission Member
Michael D'Andrea, Design Member
Anne Gale, Design Member
Jeremy Jones, Design Member

ABSENT: Michael Schmitt, Design Member

STAFF: Jayna Shewak
Donna Bronski
Suzanne Colver
Tim Curtis
Bill Verschuren

CALL TO ORDER

The regular meeting of the Scottsdale Development Review Board was called to order by Councilman Ortega at 1:00 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

OPENING STATEMENT

COUNCILMAN ORTEGA read the opening statement that describes the role of the Development Review Board and the procedures used in conducting this meeting.

MINUTES APPROVAL

February 19, 2004 DRB Minutes

VICE CHAIRMAN CORTEZ MADE A MOTION TO APPROVE THE FEBRUARY 19, 2004, MEETING MINUTES AS PRESENTED. SECOND BY MR. JONES.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

CONSENT AGENDA

2-PP-2004	DC Ranch Parcel 5.9a Preliminary Plat Planning Unit 5 (Union Hills & 140 th St.) Swaback Partners PLLC, Architects
-----------	--

76-DR-2003#2	Ebbett Interiors Colors 6919 E. 1 st Avenue DPG Group Architects
--------------	--

(PULLED TO REGULAR AGENDA)

84-DR-2003	Taser International Site Plan & Elevations 17800 N. 85 th Street DFD Cornoyer Hedrick, Architects
------------	---

85-DR-2003	Ironwood Office Suites III Site Plan & Elevations 9916 N. 95 th Way DFD Cornoyer Hedrick, Architects
------------	--

(PULLED TO REGULAR AGENDA)

89-DR-2003	Vista Collina Site Plan & Elevations 134 th St. north of Via Linda Lamb Architects
------------	--

94-DR-2003

Ancala Commons
Site plan & elevations
11411 N. 114th St.
Patrick Hayes Architecture, Architects

(PULLED TO REGULAR AGENDA)

VICE CHAIRMAN CORTEZ MOVED TO APPROVE CASES 2-PP-2004 AND 84-DR-2003 WITH THE ATTACHED STIPULATIONS. APPROVED CASE 89-DR-2003 WITH THE AMENDED STIPULATIONS. SECOND BY MR. D'ANDREA.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

COUNCILMAN ORTEGA stated Tasers headquarters is one of the projects that is being approved and it is a tremendous addition to Scottsdale. He further stated it is a home grown Scottsdale business that has expanded and is staying in Scottsdale.

REGULAR AGENDA

76-DR-2003#2

Ebbett Interiors
Colors
6919 E. 1st Avenue
DPG Group Architects

MS. COLVER presented this case as per the project coordination packet. Staff recommends approval of the revised color scheme.

MS. GALE thanked Mr. Ebbett for being cooperative and restudying the colors in order to grow a neighborhood not just a project. She remarked that both color schemes submitted are acceptable and she would let the Applicant use his color choice. She further remarked that she did like the black awnings better than the green ones and would suggest they go back to the black awnings.

MS. GALE MOVED TO APPROVE THE COLOR SUBMISSION FOR CASE 75-DR-2003#2 STATING THE APPLICANT COULD CHOSE EITHER SUBMISSION OF COLORS AND HE COULD ALSO CONSIDER THE BLACK AWNINGS AS ORIGINALLY PROPOSED AS OPPOSED TO THE GREEN BUT THAT WOULD BE HIS CHOICE. SECOND BY MR. JONES.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

85-DR-2003

Ironwood Office Suites III
Site Plan & Elevations
9916 N. 95th Way
DFD Cornoyer Hedrick, Architects

MS. COLVER presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

MS. GALE apologized for having this case pulled to the regular agenda because it seems to punish someone who has a very interesting and complex color scheme. She reported it was simply that she was given a stack of 20 color chips to play with in a matter of 60 seconds so she could not do it. It could have been resolved by submitting the colors in a more organized fashion. She further reported it is perfectly fine and would suggest if the only reason it was pulled because of this reason they go ahead and approve it.

MS. GALE MOVED TO APPROVE CASE 85-DR-2003 WITH THE ATTACHED STIPULATIONS. SECOND BY MR. HEITEL.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

94-DR-2003

Ancala Commons
Site plan & elevations
11411 N. 114th St.
Patrick Hayes Architecture, Architects

MR. VERSCHUREN presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

MR. D'ANDREA inquired if the applicant had considered moving the trash enclosure so that it is not so close to the residential north of the project. Mr. Verschuren stated the applicant has been working with the neighbors to the north of the project and they have worked out a solution. The applicant can provide additional information.

MR. JONES stated the illustration shows chimneys. He inquired if there would be fireplaces in the building or if they were decorative element. Mr. Verschuren replied they are decorative.

BRIAN SYLVESTER, Patrick Hayes Architecture, stated the access for the fire truck is a secondary access and it will not be a day-to-day point use for the project and would only be used if there were a fire on the project. He further stated the fireplaces for the project would be gas burning only.

COUNCILMAN ORTEGA inquired if they are in agreement with the stipulations in the packet. Mr. Sylvester replied in the affirmative.

MS. GALE suggested the applicant re-evaluate the colors because she felt the use of bright white for the body of the building was too cold and suggested using a warmer color that would be more complimentary to the stone. Mr. Verschuren inquired if the colors could be brought back to a study session. Ms. Gale replied in the affirmative.

MR. D'ANDREA requested information regarding the discussions with the neighbors regarding the trash enclosures. Mr. Sylvester stated they have not heard any negative feedback regarding the location of the refuge container but if it were stipulated they would relocate them further away from the residents. Mr. D'Andrea stated he did not think it needed to be stipulated but it would be better served away from that area. He inquired if due to the grade changes would the neighbors have sight into the enclosures. Mr. Sylvester replied the grade change is not significant.

MR. HEITEL stated it did not seem like good planning to have the refuge containers so close to the residential. He inquired if it was possible to follow the contours and separate the trail. Mr. Sylvester replied they have had several conversations with Scott Hamilton and this appears to be the best solution due to the cross slopes and safety concerns. He stated they would be willing to relocate the refuge closer to the Via Linda side.

(COUNCILMAN ORTEGA OPENED PUBLIC TESTIMONY.)

PENNY RICKHOFT, 11627 N. 114th Place, spoke in opposition to this request. She stated that she is the President of Adobe Ranch Villa the project to the north of this project. They consist of 38 town homes. Their concern is in their original easement the area where the developer wants to put the emergency gate access it would take 75% of their homeowners to vote to amend the CC&Rs to allow for the emergency access gate. She noted they took a straw vote and the most of the property owners are not in favor of allowing the easement. They are worried about property values and cut through traffic. She further noted 114th Street is a private street.

VICE CHAIRMAN CORTEZ stated this is for emergency access only noting that he has never heard of a homeowners group objecting to an emergency only access easement.

LYNN BIBLE, 11543 N. 114th Place, spoke in favor of this request. She stated that she is the property next to the development and she would like to see the emergency gate go up. She further stated that she would like to see the trash containers relocated.

RICHARD JACOBS, 11426 E. Jenan, spoke in opposition of this request. He stated the developer has never spoken to them about the colors or the trash containers and they have not agreed to anything. He further stated the emergency gate is for the applicants' purposes. He remarked this is a densely populated street and the street is only 25 feet wide so there would be a hazard and danger to have emergency vehicles entering their subdivision. He noted this office building would create extra traffic in the morning and late afternoon and would create problems for the homeowners. He provided information on the traffic problems in this area. He does not know why the developer can't apply for a descending speed lane off of Via Linda and entrance into his own site. The emergency gate is unnecessary to come down a highly populated private street. He added during the building process those trucks would be up and down their street.

DIANE MURPHY, 11620 N. 114th Place, spoke in opposition to this request. She stated that she had many questions and concerns that have not been answered. She further stated that she would urge the Board not to act today. She reported 114th Place is a private street owned and maintained by the residents. She inquired about the definition of an emergency during the 9 to 12 months of development. She stated the developer could build the emergency access on Via Linda. She reported that there has not been a use license drawn up or discussed. She urged the Board not to take action that would adversely affect the private rights of the citizens to use their private street, as they see fit.

COUNCILMAN ORTEGA inquired if Ms. Murphy had any problems with the architecture or landscape buffering. Ms. Murphy replied she personally did not have any concerns with the architecture of the building that her concerns have to do only with the access on 114th Street. She provided information on some of the traffic problems in the area.

(COUNCILMAN ORTEGA CLOSED PUBLIC TESTIMONY.)

MR. D'ANDREA stated the reason the drive is so close to the residents drive is because they try and get a minimum of 150 feet away from a busy corner. He further stated the architect has done a nice job with the architecture and buffering the parking. He noted the access gate would rarely be used.

COUNCILMAN ORTEGA stated the phrase development agreement was used noting the Development Review Board does not have the authority to be involved with a development agreement. He further stated that he did not see any reason for a development agreement. Ms. Shewak confirmed that the DR Board does not have the authority to enter any development agreement that power is reserved for the City Council.

Councilman Ortega inquired if they knew if this access drive was private property. Ms. Shewak replied that it is a private street tract and Rural Metro has implied authority to access virtually any paved surface in the City of Scottsdale to serve emergency needs.

MR. HEITEL inquired if they could require a stipulation that the gate is part of a development agreement with the property owners. Ms. Bronski stated this Board does not have that authority but could certainly encourage the parties to work together.

COUNCILMAN ORTEGA stated this is a cross access easement and is not granting the property owner any access to their road or side it just a convenient emergency exit that the Fire Department is requesting.

MR. JONES stated that he was a little surprised there were not any options. He further stated that it is entirely possible that the Fire Department would never need to use this gate. The Fire Department is the only ones who would be able to open the gate so they would have the option of making it a solid gate so that it could function as a wall and only opened in case of an emergency. He remarked the reason they have access like this is because if the property started to burn everyone would get in their cars and would block the driveway and fire trucks would not be able to get in. He noted having the fire truck come through their neighborhood would warn them that there is a fire and that could be helpful. He further remarked that they could stipulate that the emergency access could not be used during construction. He added the real problem it appears is that the developer has not spent enough time working it out with the neighbors.

VICE CHAIRMAN CORTEZ requested clarification on the cross access only easement noting he has heard contrary information. He noted he is referring to Stipulation No. 30. Ms. Shewak stated that Stipulation No. 30 should be clarified to read: The developer is responsible to obtain an emergency –vehicle-use-only cross access easement over his property to dedicate it to connect with the north. Staff would change that language.

MR. HEITEL stated that he was uncomfortable suggesting that the Board could unilaterally in any situation chose to create a crash gate in anyone's residential driveway without permission. He further stated that he felt the private property owners need to get together with the developer and come up with an agreement. He noted that he is not arguing the crash gate is a benefit. He inquired if access onto Via Linda in any manner was possible.

COUNCILMAN ORTEGA inquired if the roadway to the north is paved by the subdivision is it still considered an access point for public use or is it not a private road. Ms. Shewak stated the tract on 114th Place connecting in is a private street tract, but they believe the fire trucks have the right to go down that street. She

reported all of the stipulated improvements occur on the Ancala Commons property there is no need to put improvements across the property line.

COUNCILMAN ORTEGA stated he is not comfortable with adding another access off of Via Linda and did not believe they should be getting into deceleration lanes for a small four-office setup. He further stated that this has gone through transportation and 114th Street works well. He remarked he was happy with the site plan in terms of keeping the buildings away from the neighborhood. He further remarked that functionally that gate may never be used.

MR. HEITEL stated the Fire Department is saying they need this access for fire safety purposes. He inquired what would happen if the property owners did not want that gate utilized and put up a blockade on their private property that would prevent emergency access.

MR. SYLVESTER stated the gate access point was requested by Rural Metro. He further stated that by providing this access gate would benefit the homeowners as well in case a fire truck could not get through their private tract. He added they would be willing to make the gate solid.

COUNCILMAN ORTEGA stated having the fire access off of Via Linda would be disastrous because people would slow down and think it is another access. If they look at the stacking distance on 114th Street it works. He further stated it is true if one neighbor decided to cut off the wall then they would have to deal with the Fire Department on that issue. He remarked he felt they needed to look at this as a stand-alone and they would not be taking rights away from the neighborhood and demanding access.

MR. JACOBS stated that no one is objecting to the architecture. Their concern is regarding the gate. He further stated this gate would not benefit the homeowners of this subdivision. He added if the developer would have come to them with a reasonable offer they would have taken care of this issue.

COUNCILMAN ORTEGA inquired if this site plan would meet code without that secondary access if somebody decided to block it off. Ms Shewak read the letter from the Fire Department regarding this case and City of Scottsdale Ordinance 3507 noting International Fire Code grants them broad access to any properties that they serve. Ms. Bronski stated it is normal practice for private subdivisions to grant the city emergency access over private streets.

MR. D'ANDREA stated he believed this is a life safety issue to require two exits and if someone were to block the wall it would create a life safety issue for both of the properties. Ms. Bronski replied in the affirmative.

MR. JONES MOVED TO APPROVE CASE 94-DR-2003 WITH THE FOLLOWING ADDITIONAL STIPULATIONS:

- 1) THE GATE IS REDESIGNED TO BE MORE PART OF THE WALL.**
- 2) TO BE STRICTLY ACCESSIBLE ONLY THROUGH THE USE OF THE KNOX BOX**
- 3) NOT TO BE USABLE DURING CONSTRUCTION.**
- 4) DEVELOPER WORK FURTHER WITH THE NEIGHBORHOOD AND CITY STAFF TO RESOLVE THIS ISSUE WITH THE GATE.**
- 5) THE TRASH ENCLOSURES BE RELOCATED.**
- 6) THE NEW COLORS SCHEME RETURNS TO THE BOARD AT A STUDY SESSION.**

SECOND BY VICE CHAIRMAN CORTEZ.

MR. HEITEL inquired if Stipulation No. 30 as originally written is enforceable. Ms. Bronski stated it is typical to have a stipulation to get cross access easements but if it turns out they can't get them they would have to come back and get an amendment to the stipulation or figure out another option

Mr. Heitel inquired if the motion included Stipulation No. 30 as written. Mr. Jones replied in the affirmative that he did not remove any stipulations.

VICE CHAIRMAN CORTEZ stated he was under the impression that the stipulation would be amended as previously clarified by Ms. Shewak. Mr. Heitel stated he could not be in favor of this motion until Stipulation No. 30 is clarified. Ms. Bronski provided clarification on this stipulation and discussed what would make Stipulation No. 30 moot. Mr. Heitel asked several questions aimed at bringing further clarity to this stipulation. Ms. Bronski discussed the intent of the stipulation.

COUNCILMAN ORTEGA MOVED TO AMEND STIPULATION NO. 30 AS FOLLOWS: THE DEVELOPER IS RESPONSIBLE TO OBTAIN AN EMERGENCY-VEHICLE-USE-ONLY CROSS ACCESS EASEMENT AT THE LOCATION AS REQUIRED BY THE FIRE DEPARTMENT. SECOND BY MS. GALE.

MR. HEITEL stated that he did not think this is appropriate public policy. He thought the developer is alluding to the fact it is providing emergency access but he needs to ensure that this access is viable in the future. He further stated if the developer needs additional access and can't get it from the site, then it should be worked so it can be provided on the site he is purchasing or has purchased. It is not the responsibility of the homeowners to make this project successful.

COUNCILMAN ORTEGA called for the vote on the amendment to the motion.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ONE (1) WITH MR. HEITEL DISSENTING.

MR. HEITEL requested clarification on the amendment that just passed if it is added to the stipulations. Councilman Ortega replied in the affirmative stating it was a modification to that stipulation.

COUNCILMAN ORTEGA called for the vote on the motion.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ONE (1) WITH MR. HEITEL DISSENTING.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Development Review Board was adjourned at 1:15 p.m.

Respectfully Submitted

"For the Record" Court Reporters